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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,830	03/11/2002	Tetsuaki Kojima	50070-072	9528
20277	7590	01/05/2004	EXAMINER	
MCDERMOTT WILL & EMERY 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096			DUONG, THOI V	
			ART UNIT	PAPER NUMBER
			2871	
DATE MAILED: 01/05/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/070,830	KOJIMA ET AL.	
	Examiner	Art Unit	
	Thoi V Duong	2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-12 ~~is/are~~ pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-12 ~~is/are~~ rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. This office action is in response to the Amendment filed September 09, 2003.

Accordingly, claims 1, 4 and 12 were amended, and claims 2 and 3 were cancelled. Currently, claims 1 and 4-12 are pending in this application.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 4-12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over JP 3-44624 (JP'624) in view of Suzuki et al. (USPN 5,949,346) and Ohganawa et al. (USPN 5,617,230).

As shown in Figs. 1 and 2, JP'624 discloses a display device 16 comprising:

- a pointer including an indicating part 17;
- pointer driving means for rotating the pointer (not shown);
- a display element 11 including a fixed display part 14 (or index part) indicated by the indicating part and consisting of a pair of translucent substrates; and
- a light shielding part 15 formed on top of the top translucent substrate of the display element, wherein
- the fixed display part made of an opening 14 of the light shielding part;
- a variable display part 12 made of a region where the light shielding part is not provided;

a light emitting element 18 for illuminating the display element from behind is provided; and

the light shielding part is provided around the opening.

It is obvious that pointer driving means, a rotation shaft of the pointer driving means, and hole parts formed in the display element 11 corresponding to the rotation shaft are provided for rotating the pointer (see USPN 5,949,346 of Suzuki et al., Figs. 8, 12, and 15). It has been held that a recitation with respect to the manner in which a claimed status is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex Parte Masham, 2 USPQ F.2d 1647 (1987).

JP'624 discloses a display that is basically the same as that recited in claims 1-12 except for stripe-shaped transparent electrode films respectively formed on the translucent substrates and the light shielding part provided around the opening with a predetermined width. As shown in Fig. 3, Ohgawara et al. discloses a dot matrix type LCD element comprising stripe-shaped transparent electrode films respectively formed on translucent substrates (col. 3, lines 36-50),

wherein a light shielding part 26 having a predetermined width 25 larger than a diagonal of a pixel is formed around an opening 21 (display region) to perform visual representation while maintaining sufficient uniformity and hence to provide high display quality (col. 17, lines 59-67); and

wherein said predetermined width corresponds to an offset between the inner periphery of the opening of the light shielding part 26 (the periphery around the display

region 21) and an outer periphery of the fixed display part as a whole Figure 3 (the outer periphery of the light shielding part 26).

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the display of JP'624 with the teaching of Ohgawara et al. by forming a dot matrix type liquid crystal display element comprising stripe-shaped transparent electrode films respectively formed on translucent substrates and the light shielding part provided around the opening with a predetermined width so as to obtain sufficient uniformity and to display various figures and characters with high display quality.

#### ***Response to Arguments***

4. Applicant's arguments filed 09/09/2003 have been fully considered but they are not persuasive.

Applicant argued that The Examiner has not shown that Ohgawara teaches or suggests a fixed display part "made of an opening of the light shielding part, wherein said light shielding part is provided around the opening having a predetermined width larger than a diagonal of a pixel; and wherein said predetermined width corresponds to an offset between the inner periphery of the opening of the light shielding part and an outer periphery of the fixed display part." The Examiner disagrees with the Applicant's remarks because, as clearly shown in Fig. 3, Ohgawara discloses a fixed display part (as a whole figure 3) "made of an opening 21 (as a display region) of the light shielding part 26, wherein said light shielding part is provided around the opening having a predetermined width 25 larger than a diagonal of a pixel 22; and wherein said

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predetermined width corresponds to an offset between the inner periphery of the opening of the light shielding part (the periphery around the display region) and the outer periphery of the light shielding part 26 of the fixed display part . Note that the predetermined width between the inner periphery of the opening of the light shielding part and the outer periphery of the fixed display part on the left of Fig. 3 is much larger than the diagonal of the pixel 22.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thoi V. Duong whose telephone number is (703) 308-3171. The examiner can normally be reached on Monday-Friday from 8:00 am to 4:00 pm.

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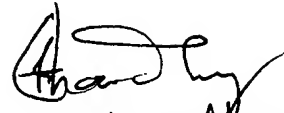
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim, can be reached at (703) 305-3492.

Thoi Duong

12/21/2003

  
T. Chowdhury  
Primary Examiner